

STATE OF FLORIDA
DEPARTMENT OF REVENUE
CORPORATE INCOME TAX
EMERGENCY RULE 12CER08-31

12CER08-31 2008 Federal Stimulus Package Additions.

(1) Scope. This rule only applies to taxpayers subject to additions under Section 220.13(1)(a)14. or Section 220.13(1)(a)15., F.S.

(2) For purposes of the addition required by Sections 220.03(3) and 220.13(1)(a)14., Florida Statutes, taxpayers are required to add-back the amount of the federal deduction claimed under Section 179 of the Internal Revenue Code, that exceeds \$125,000, as adjusted pursuant to Section 179(b)(5), I.R.C.

(3) For purposes of the addition required by Sections 220.03(3), 220.13(1)(a)14., or 220.13(1)(a)15., F.S., taxpayers are required to add-back an amount equal to:

(a) the total depreciation claimed under Sections 167 and 168 of the Internal Revenue Code on the related federal return, minus

(b) the amount of depreciation deduction that would have been allowable under Sections 167 and 168 of the Internal Revenue Code as in effect on January 1, 2007, if the taxpayer had not expensed any amounts in excess of \$125,000 under Section 179 of the Internal Revenue Code (as adjusted pursuant to Section 179(b)(5), I.R.C.), or taken bonus depreciation pursuant to the Economic Stimulus Act of 2008 under Section 168(k) of the Internal Revenue Code.

(4) In tax years beginning after December 31, 2008, taxpayers shall make an adjustment to their Florida taxable income by an amount equal to:

(a) the amount of depreciation deduction that would have been allowable under Sections 167 and 168 of the Internal Revenue Code as in effect on January 1, 2007, if the taxpayer had not expensed any amounts in excess of \$125,000 under Section 179 of the Internal Revenue Code (as adjusted pursuant to Section 179(b)(5), I.R.C.), or taken bonus depreciation pursuant to the Economic Stimulus Act of 2008 under Section 168(k) of the Internal Revenue Code, minus

(b) the amount of depreciation deduction taken under Sections 167 and 168 of the Internal Revenue Code on the related federal return.

(5) Upon the sale or disposition of property for which an addition was required under Subsections (2) or (3), the gain for Florida purposes is the same as the gain for federal purposes. However, the taxpayer shall adjust its Florida taxable income by an amount equal to:

(a) the Florida depreciation taken on the asset, taking into account Subsections (2), (3), and (4), minus

(b) the total federal depreciation taken on the asset under Sections 167 and 168.

(6) The total amount of adjustments claimed for property for all years may not exceed the respective additions under Sections 220.13(1)(a)14. and 220.13(1)(a)15., F.S., for the same property. A schedule reflecting the additions and all subsequent adjustments must be attached to the return.

Specific Authority: Sections 1, 2, and 5, Chapter 2008-206, Laws of Florida. Law Implemented

Sections 1, 2, and 5, Chapter 2008-206, Laws of Florida. History-New 12-10-08.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE ARE SPECIFIED IN THIS RULE.